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| 7590 | | 04/05/2007 | EXAMINER | |
| Robert C. Curfiss | | | WONG, LESLIE | |
| Jackson Walker L.L.P. | | | | |
| Suite 2100 | | | ART UNIT | |
| 112 E. Pecan, | | | PAPER NUMBER | |
| San Antonio, TX 78205 | | | 2164 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/849,078 | KELLEY, J. ROGER | |
| | Examiner | Art Unit | |
| | Leslie Wong | 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Declaration under 37 CFR 1.131

1. Applicant's 37 CFR 1.131 Substitute Affidavit filed on 12 January 2007 has been considered but is ineffective to overcome the effective date of the Singer et al. (US 20030115198 A1) reference.

Conception

The evidence submitted is sufficient to establish a conception of the invention prior to the effective date of the Singer reference.

Diligence

The Applicant has **almost** established a diligence of the invention prior to the effective date of the Singer reference. The evidence submitted fails to associate Exhibits or documents correspond to the events occurred during the periods of October 1-31, 2000, December 1-31, 2000, and March 1-31, 2001.

Therefore, the Declaration submitted by Applicant does not overcome the effective date of the Singer reference.

Claim Objections

2. Claims 26 and 28 are objected to because of the following informalities: The claims depend on cancelled claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Singer et al. ('Singer')** (US 20030115198 A1).

Regarding claim 1, **Singer** teaches a method for collecting, assimilating and utilizing data from a variety of sources for determining the regulatory requirements and for generating the related compliance reports for a specific facility in a given industry, the method comprising the steps of:

a). collecting data externally generated from and unrelated to a specific facility but required for compliance requirements of a governmental compliance model (col. 3, lines 32-35);

b). collecting data uniquely associated with said facility and internally generated from said facility (col. 9, lines 58-67);

c). assimilating the external data and the internal data in a processor to determine compliance by the user (col. 5, lines 10-15; col. 6, lines 13-19; col. 9, lines 13-21);

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d). automatically generating a report based on the assimilation, which report is unique to the facility and contains the required governmental compliance information (col. 2 lines 19-21).

Regarding claim 2, **Singer** further teaches wherein the external data is collected via the Internet (col. 1, lines 59-61 and col. 2, lines 43-47).

Regarding claim 3, **Singer** further teaches wherein the compliance model is a government agency compliance requirement (col. 3, lines 32-35).

Regarding claim 4, **Singer** teaches the step of electronically submitting the generated report to a relevant agency (col. 10, lines 25-29).

Regarding claim 5, **Singer** further teaches wherein the collected public data is industry specific (col. 10, lines 49-52).

Regarding claim 6, **Singer** further teaches wherein the collected user data is facility specific (col. 5 lines 7-10).

Regarding claim 7, **Singer** further teaches wherein the collected user data is equipment specific (col. 5 lines 7-10).

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Regarding claim 8, **Singer** further teaches wherein the collected user data is location specific (col. 5 lines 7-10).

Regarding claim 9, **Singer** further teaches including the step of creating a library of available data from the collected public data and non-confidential portions of the collected user data (col. 3, lines 24-35).

Regarding claim 10, **Singer** further teaches linking the public data to on-line databases and importing data from said databases into the collected public data (col. 6, lines 13-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Singer et al. ('Singer')** (US 20030115198 A1) as applied to claims 1-10 above and in view of **Dominguez et al.** (U.S. Patent 5,668,735).

Regarding claim 11, **Singer** teaches collected public data (col. 1, lines 59-61 and col. 2, lines 43-47).

Singer does not explicitly teach wherein a mathematical database and wherein the data in the collected external data and in the collected internal data is imported into the mathematical database for calculating compliance data in the generation of a report.

Dominguez, however, teaches a mathematical database and wherein the data in the collected external data and in the collected internal data is imported into the mathematical database for calculating compliance data in the generation of a report (col. 24, lines 41-65 and col. 23, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Dominguez's** teaching would have allowed **Singer's** to provide a central repository of regulated information in order to facilitate accessing information and enhancing the process of preparing and submitting of compliance data to related agency.

7. Claims 12, and 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Singer et al. ('Singer')** (US 20030115198 A1) and **Dominguez et al.** (U.S. Patent 5,668,735) as applied to claim 11 above and in view of EPA Document AP-42 and standard engineering/industry calculations according to Applicant submission under 37 CFR 1.105.

Regarding claim 12, **Singer and Dominguez** do not explicitly teach wherein the mathematical database is an air module database for calculating hydrocarbon emissions from a crude oil storage tanks.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from a crude oil storage tank can be found in Chapter 5 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ a mathematical database that contains the formulas for calculating hydrocarbon emissions from a crude oil storage tanks as doing so would facilitate access and retrieval of formulas to calculate hydrocarbon emissions from a crude oil storage tanks and other emissions which required by the agency.

Regarding claim 24, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from storage tanks.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from storage tanks can be found in Chapter 7, Section 7.1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from storage tanks in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 25-26, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from internal combustion engines.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from internal combustion can be found in Chapter 3 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from internal combustion engines in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 27-28, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from external combustion units.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from external combustion units can be found in Chapter 1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from external combustion units in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 18 and 29, **Singer and Dominguez** do not explicitly teaches the mathematical database includes the following primary calculation formulas for calculating emissions for *valves, flanges piping, and compressor seals*;

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for emissions from emissions for *valves, flanges piping, and compressor seals* can be found in Chapter 7, Section 7.1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate emissions from emissions for *valves, flanges piping, and compressor seals* in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 30, **Singer and Dominguez** do not explicitly teach the mathematical database includes the following primary calculation formulas for calculating emissions for glycol dehydration units.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for glycol dehydration units can be found in Attachment No. 5.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate emissions for glycol dehydration units in order to submit the emissions report to the EPA in accordance with EPA requirements.

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Regarding claim 31, **Singer** teaches a method for collecting, assimilating and utilizing data from a variety of sources for determining the regulatory requirements and for generating the related compliance reports for a specific facility in a given industry, the method comprising the steps of:

- a). collecting externally data required for compliance requirements for the specific facility, wherein the external data is generated from sources unrelated to the specific facility and external to the specific facility (col. 3, lines 32-35);
- b). collecting internal data from the specific facility, wherein the internal data is generated from specific conditions existing at the facility (col. 9, lines 58-67);
- c). assimilating the external data and the internal data in a processor to determine compliance by the user (col. 5, lines 10-15; col. 6, lines 13-19; col. 9, lines 13-21).

Singer does not explicitly teach an air module mathematical database.

Dominguez, however, teaches an air module mathematical database (col. 24, lines 41-65 and col. 23, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Dominguez's** teaching would have allowed **Singer's** to provide a central repository of regulated information in order to facilitate accessing information and enhancing the process of preparing and submitting of compliance data to related agency.

Singer and Dominguez do not explicitly teach calculating flash emissions caused by the transfer of higher pressure liquids from a process vessel to a storage tank of less pressure.

However, Applicant submission under 37 CFR 1.105 indicates that the calculation of flash emissions caused by the transfer of higher pressure liquids from a process vessel to a storage tank of less pressure by utilizing one of the following:

- 1). standard petroleum engineering calculation (i.e., Vaquez-Beggs Gas Oil Ratio and Black Oil GOR 2);
- 2). Standard testing of samples and gas oil ratio calculation from gas evolved during this test; or
- 3). API-E&P Calculation routine using industry stand software.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the above standard emissions formulas to calculate flash emissions caused by the transfer of higher pressure liquids from a process vessel to a storage tank of less pressure in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 32, **Singer** teaches a method for collecting, assimilating and utilizing data from a variety of sources for determining the regulatory requirements and for generating the related compliance reports for a specific facility in a given industry, the method comprising the steps of:

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- a). collecting externally data required for compliance requirements for the specific facility, wherein the external data is generated from sources unrelated to the specific facility and external to the specific facility (col. 3, lines 32-35);
- b). collecting internal data from the specific facility, wherein the internal data is generated from specific conditions existing at the facility (col. 9, lines 58-67);
- c). assimilating the external data and the internal data in a processor to determine compliance by the user (col. 5, lines 10-15; col. 6, lines 13-19; col. 9, lines 13-21).

Singer does not explicitly teach an air module mathematical database.

Dominguez, however, teaches an air module mathematical database (col. 24, lines 41-65 and col. 23, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Dominguez's** teaching would have allowed **Singer's** to provide a central repository of regulated information in order to facilitate accessing information and enhancing the process of preparing and submitting of compliance data to related agency.

Singer and Dominguez do not explicitly teach calculation of loading loss emission.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for loading loss emissions can be found in Chapter 5, Section 5.2 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from storage tanks in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 33, **Singer et al.** further teaches wherein the mathematical database includes the primary calculation formulas for calculating emissions fees (col. 8, lines 22-30).


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leslie Wong
Primary Patent Examiner
Art Unit 2164

LW
March 29, 2007